

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

6 VICKI MAYNARD,)
7 Plaintiff,) No. CV-09-3095-CI
8 v.)
9 MICHAEL J. ASTRUE,) ORDER GRANTING STIPULATED
10 Commissioner of Social) MOTION FOR REMAND PURSUANT
Security,) TO SENTENCE FOUR OF 42
11 Defendant.) U.S.C. 405(g)

BEFORE THE COURT is the parties' Stipulated Motion for remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 36.) Attorney D. James Tree represents Plaintiff Vicki Maynard; Special Assistant United States Attorney Terrye E. Shea represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 7.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' Stipulated Motion for Remand (**Ct. Rec. 36**) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will evaluate the opinions of Joe Vickers, M.D., Plaintiff's treating physician, and give appropriate weight to Dr. Vickers' opinions. If the ALJ rejects the opinions of Dr. Vickers, the ALJ will provide adequate

1 reasons for the rejection. The ALJ will obtain clarification of the
2 opinion of Arthur Brovender, M.D., the medical expert who appeared
3 at the hearing on February 9, 2009. The ALJ will obtain evidence
4 from a vocational expert to determine whether jobs exist in
5 significant numbers that Plaintiff can perform within her residual
6 functional capacity. The ALJ will offer Plaintiff the opportunity
7 to present new evidence at the new hearing.

8 2. Judgment shall be entered for the **PLAINTIFF**.

9 3. Plaintiff's Motion for Summary Judgment (Ct. Rec. 23) is
10 dismissed as moot.

11 4. An application for attorney fees may be filed by separate
12 motion.

13 The District Court Executive is directed to enter this Order,
14 forward copies to counsel, and thereafter shall close this file.

15 DATED November 4, 2010.

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S/ CYNTHIA IMBROGNO
18 UNITED STATES MAGISTRATE JUDGE
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